

House File 2309 - Enrolled

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AN ACT

RELATING TO CHILD SUPPORT RECOVERY INCLUDING ASSIGNMENT OF SUPPORT TO THE STATE RELATIVE TO RECEIPT OF FAMILY INVESTMENT PROGRAM BENEFITS, THE REPORTING OF DELINQUENT CHILD SUPPORT OBLIGORS TO CONSUMER REPORTING AGENCIES, ACCESS TO CELLULAR TELEPHONE NUMBERS FOR THE PURPOSE OF THE COMPUTER MATCH PROGRAM BY THE CHILD SUPPORT RECOVERY UNIT, THE INFORMATION INCLUDED IN A NOTICE REGARDING THE ADMINISTRATIVE LEVY OF AN ACCOUNT, AND MEDICAL SUPPORT OF A CHILD, AND PROVIDING EFFECTIVE AND RETROACTIVE APPLICABILITY DATES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

DIVISION I

ASSIGNMENT OF CHILD SUPPORT == FAMILY INVESTMENT PROGRAM RECIPIENTS

Section 1. Section 239B.6, subsections 1 and 2, Code 2007, are amended to read as follows:

1. An assignment of support rights to the department is created by either of the following:

a. An applicant and other persons covered by an application are deemed to have assigned to the department at the time of application all rights to periodic support payments that accrue during the period the family receives assistance to the extent of the amount of assistance received by the applicant and by other persons covered by the application.

b. A determination that a child or another person covered by an application is eligible for assistance under this chapter creates an assignment by operation of law to the department of all rights to periodic support payments that accrue during the period the family receives assistance not to exceed the amount of assistance received by the child and other persons covered by the application.

2. An assignment takes effect upon determination that an applicant or another person covered by an application is eligible for assistance under this chapter, applies to both current and ~~accrued~~ accruing support obligations, and terminates when an applicant or another person covered by an application ceases to receive assistance under this chapter, except with respect to the amount of unpaid support obligations ~~accrued under during~~ the assignment. If an applicant or another person covered by an application ceases to receive assistance under this chapter and the applicant or other person covered by the application receives a periodic support payment, subject to limitations under federal law and subject to subsection 2A, the department is entitled only to that amount of the periodic support payment above the current periodic support obligation.

Sec. 2. Section 239B.6, Code 2007, is amended by adding the following new subsection:

NEW SUBSECTION. 2A. Any rights to support payments assigned to the department on or before September 30, 2009, shall remain assigned to the department.

Sec. 3. Section 252A.13, Code 2007, is amended to read as follows:

252A.13 RECIPIENTS OF PUBLIC ASSISTANCE == ASSIGNMENT OF SUPPORT PAYMENTS.

1. If public assistance is provided by the department of human services to or on behalf of a dependent child or a dependent child's caretaker, there is an assignment by operation of law to the department of any and all rights in, title to, and interest in any support obligation, payment, and arrearages owed to or on behalf of the child or caretaker not to exceed the amount of public assistance paid for or on behalf of the child or caretaker as follows:

a. For family investment program assistance, section 239B.6 shall apply.

b. For foster care services, section 234.39 shall apply.

c. For medical assistance, section 252E.11 shall apply.

3 4 2. The department shall immediately notify the clerk of
3 5 court by mail when such child or caretaker has been determined
3 6 to be eligible for public assistance. Upon notification by
3 7 the department, the clerk of court shall make a notation of
3 8 the automatic assignment in the judgment docket and lien
3 9 index. The notation constitutes constructive notice of the
3 10 assignment. If the applicant for public assistance, for whom
3 11 public assistance is approved and provided on or after July 1,
3 12 1997, is a person other than a parent of the child, the
3 13 department shall send notice of the assignment by regular mail
3 14 to the last known addresses of the obligee and obligor. The
3 15 clerk of court shall forward support payments received
3 16 pursuant to section 252A.6, to which the department is
3 17 entitled, to the department, unless the court has ordered the
3 18 payments made directly to the department under that section.
3 19 The department may secure support payments in default through
3 20 other proceedings.

3 21 3. The clerk shall furnish the department with copies of
3 22 all orders or decrees awarding and temporary domestic abuse
3 23 orders addressing support when the parties are receiving
3 24 public assistance or services are otherwise provided by the
3 25 child support recovery unit. Unless otherwise specified in
3 26 the order, an equal and proportionate share of any child
3 27 support awarded is presumed to be payable on behalf of each
3 28 child, subject to the order or judgment, for purposes of an
3 29 assignment under this section.

3 30 Sec. 4. Section 252C.2, subsection 1, Code 2007, is
3 31 amended to read as follows:

3 32 1. If public assistance is provided by the department to
3 33 or on behalf of a dependent child or a dependent child's
3 34 caretaker, there is an assignment by operation of law to the
3 35 department of any and all right in, title to, and interest in
4 1 any support obligation, payment, and arrearages owed to or for
4 2 the child or caretaker up to the amount of public assistance
4 3 paid for or on behalf of the child or caretaker. Unless
4 4 otherwise specified in the order, an equal and proportionate
4 5 share of any child support awarded is presumed to be payable
4 6 on behalf of each child subject to the order or judgment for
4 7 purposes of an assignment under this section. For family

4 8 investment program assistance, section 239B.6 shall apply.

4 9 Sec. 5. Section 598.34, Code 2007, is amended to read as
4 10 follows:

4 11 598.34 RECIPIENTS OF PUBLIC ASSISTANCE == ASSIGNMENT OF
4 12 SUPPORT PAYMENTS.

4 13 1. If public assistance is provided by the department of
4 14 human services to or on behalf of a dependent child or a
4 15 dependent child's caretaker, there is an assignment by
4 16 operation of law to the department of any and all rights in,
4 17 title to, and interest in any support obligation, payment, and
4 18 arrearages owed to or for the child or caretaker not to exceed
4 19 the amount of public assistance paid for or on behalf of the
4 20 child or caretaker as follows:

4 21 a. For family investment program assistance, section
4 22 239B.6 shall apply.

4 23 b. For foster care services, section 234.39 shall apply.

4 24 c. For medical assistance, section 252E.11 shall apply.

4 25 2. The department shall immediately notify the clerk of
4 26 court by mail when such a child or caretaker has been
4 27 determined to be eligible for public assistance. Upon
4 28 notification by the department, the clerk of court shall make
4 29 a notation of the automatic assignment in the judgment docket
4 30 and lien index. The notation constitutes constructive notice
4 31 of the assignment. For public assistance approved and
4 32 provided on or after July 1, 1997, if the applicant for public
4 33 assistance is a person other than a parent of the child, the
4 34 department shall send a notice by regular mail to the last
4 35 known addresses of the obligee and obligor. The clerk of
5 1 court shall forward support payments received pursuant to
5 2 section 598.22, to which the department is entitled, to the
5 3 department, which may secure support payments in default
5 4 through other proceedings.

5 5 3. The clerk shall furnish the department with copies of
5 6 all orders or decrees and temporary or domestic abuse orders
5 7 addressing support when the parties are receiving public
5 8 assistance or services are otherwise provided by the child
5 9 support recovery unit pursuant to chapter 252B. Unless
5 10 otherwise specified in the order, an equal and proportionate
5 11 share of any child support awarded shall be presumed to be
5 12 payable on behalf of each child subject to the order or
5 13 judgment for purposes of an assignment under this section.

5 14 Sec. 6. Section 600B.38, Code 2007, is amended to read as

5 15 follows:

5 16 600B.38 RECIPIENTS OF PUBLIC ASSISTANCE == ASSIGNMENT OF
5 17 SUPPORT PAYMENTS.

5 18 1. If public assistance is provided by the department of
5 19 human services to or on behalf of a dependent child or a
5 20 dependent child's caretaker, there is an assignment by
5 21 operation of law to the department of any and all rights in,
5 22 title to, and interest in any support obligation, payment, and
5 23 arrearages owed to or on behalf of the child or caretaker, not
5 24 to exceed the amount of public assistance paid for or on
5 25 behalf of the child or caretaker as follows:

5 26 a. For family investment program assistance, section
5 27 239B.6 shall apply.

5 28 b. For foster care services, section 234.39 shall apply.

5 29 c. For medical assistance, section 252E.11 shall apply.

5 30 2. The department shall immediately notify the clerk of
5 31 court by mail when such a child or caretaker has been
5 32 determined to be eligible for public assistance. Upon
5 33 notification by the department, the clerk of court shall make
5 34 a notation of the automatic assignment in the judgment docket
5 35 and lien index. The notation constitutes constructive notice
6 1 of the assignment. For public assistance approved and
6 2 provided on or after July 1, 1997, if the applicant for public
6 3 assistance is a person other than a parent of the child, the
6 4 department shall send notice by regular mail to the last known
6 5 addresses of the obligee and obligor. The clerk of court
6 6 shall forward support payments received pursuant to section
6 7 600B.25, to which the department is entitled, to the
6 8 department, which may secure support payments in default
6 9 through other proceedings.

6 10 3. The clerk shall furnish the department with copies of
6 11 all orders or decrees and temporary or domestic abuse orders
6 12 addressing support when the parties are receiving public
6 13 assistance or services are otherwise provided by the child
6 14 support recovery unit. Unless otherwise specified in the
6 15 order, an equal and proportionate share of any child support
6 16 awarded shall be presumed to be payable on behalf of each
6 17 child subject to the order or judgment for purposes of an
6 18 assignment under this section.

6 19 Sec. 7. EFFECTIVE DATE. This division of this Act takes
6 20 effect October 1, 2009.

6 21 DIVISION II

6 22 CONSUMER REPORTING AGENCIES == REQUIREMENTS FOR
6 23 RECEIPT AND USE OF DELINQUENT SUPPORT INFORMATION

6 24 Sec. 8. Section 252B.9, subsection 3, Code 2007, is
6 25 amended by adding the following new paragraph:

6 26 NEW PARAGRAPH. j. The unit may provide information
6 27 regarding delinquent obligors as provided in 42 U.S.C. }
6 28 666(a)(7) to a consumer reporting agency if all the following
6 29 apply:

6 30 (1) The agency provides the unit with satisfactory
6 31 evidence that it is a consumer reporting agency as defined in
6 32 15 U.S.C. } 1681a(f) and meets all the following requirements:

6 33 (a) Compiles and maintains files on consumers on a
6 34 nationwide basis as provided in 15 U.S.C. } 1681a(p).

6 35 (b) Participates jointly with other nationwide consumer
7 1 reporting agencies in providing annual free credit reports to
7 2 consumers upon request through a centralized source as
7 3 required by the federal trade commission in 16 C.F.R. } 610.2.

7 4 (2) The agency has entered into an agreement with the unit
7 5 regarding receipt and use of the information.

7 6 DIVISION III

7 7 CELLULAR TELEPHONE NUMBERS == AVAILABLE

7 8 TO CHILD SUPPORT RECOVERY UNIT

7 9 Sec. 9. Section 252B.9, subsection 1, paragraph d,
7 10 subparagraph (2), Code 2007, is amended to read as follows:

7 11 (2) Certain records held by public utilities, cable or
7 12 other television companies, cellular telephone companies, and
7 13 internet service providers with respect to individuals who owe
7 14 or are owed support, or against or with respect to whom a
7 15 support obligation is sought, consisting of the names and
7 16 addresses of such individuals and the names and addresses of
7 17 the employers of such individuals, as appearing in customer
7 18 records, and including the cellular telephone numbers of such
7 19 individuals appearing in the customer records of cellular
7 20 telephone companies. If the records are maintained in

7 21 automated databases, the unit shall be provided with automated
7 22 access.

7 23 DIVISION IV

7 24 OBLIGOR SOCIAL SECURITY NUMBER == NOTICE FORM

7 25 Sec. 10. Section 252I.6, subsection 2, paragraph a, Code

7 26 2007, is amended to read as follows:

7 27 a. The name ~~and social security number~~ of the obligor.

7 28 DIVISION V

7 29 MEDICAL SUPPORT

7 30 Sec. 11. Section 252E.1A, subsection 2, paragraph a,
7 31 subparagraphs (1) and (2), as enacted by 2007 Iowa Acts,
7 32 chapter 218, section 164, are amended to read as follows:

7 33 (1) The premium cost for a child to the parent ordered to
7 34 provide the plan does not exceed five percent of that parent's
7 35 gross income or the child support guidelines established

8 1 pursuant to section 598.21B specifically provide an
8 2 alternative income-based numeric standard for determining the
8 3 reasonable cost of the premium, in which case the reasonable
8 4 cost of the premium as determined by the standard specified by
8 5 the child support guidelines shall apply.

~~8 6 (2) The premium cost for a child exceeds five percent of~~
~~8 7 the gross income of the parent ordered to provide the plan the~~
~~8 8 amount specified in subparagraph (1) and that parent consents~~
8 9 or does not object to entry of that order.

8 10 Sec. 12. Section 252E.1A, subsection 3, as enacted by 2007
8 11 Iowa Acts, chapter 218, section 164, is amended to read as
8 12 follows:

8 13 3. If a health benefit plan is not available at the time
8 14 of the entry of the order, the court shall order a reasonable
8 15 monetary amount in lieu of a health benefit plan, which amount
8 16 shall be stated in the order. For purposes of this
8 17 subsection, a reasonable amount means five percent of the
8 18 gross income of the parent ordered to provide the monetary
8 19 amount for medical support or if the child support guidelines
8 20 established pursuant to section 598.21B specifically provide
8 21 an alternative income-based numeric standard for determining
8 22 the reasonable amount, a reasonable amount means the amount as
8 23 determined by the standard specified by the child support
8 24 guidelines. This subsection shall not apply in any of the
8 25 following circumstances:

8 26 a. If the parent's monthly support obligation established
8 27 pursuant to the child support guidelines prescribed by the
8 28 supreme court pursuant to section 598.21B is the minimum
8 29 obligation amount. If this paragraph applies, the court shall
8 30 order the parent to provide a health benefit plan when a plan
8 31 becomes available for which there is no premium cost for a
8 32 child to the parent.

8 33 b. If subsection 7, paragraph "d", "e", or "f" applies.

8 34 Sec. 13. Section 252E.1A, subsection 6, as enacted by 2007
8 35 Iowa Acts, chapter 218, section 164, is amended to read as
9 1 follows:

9 2 6. An order, decree, or judgment entered before ~~March 1,~~
~~9 3 2008 July 1, 2009~~, that provides for the support of a child
9 4 may be modified in accordance with this section.

9 5 Sec. 14. Section 252E.1A, subsection 7, as enacted by 2007
9 6 Iowa Acts, chapter 218, section 164, is amended by adding the
9 7 following new paragraph:

9 8 NEW PARAGRAPH. f. If a health benefit plan is not
9 9 available, and the noncustodial parent is receiving assistance
9 10 or is residing with any child receiving assistance as provided
9 11 in section 252E.2A, subsection 1, paragraph "c", subparagraph
9 12 (3) or (4), the unit shall seek an order that the noncustodial
9 13 parent shall provide a health benefit plan when a plan becomes
9 14 available for which there is no premium cost for a child to
9 15 the parent.

9 16 Sec. 15. Section 252E.2A, subsection 1, paragraph b, as
9 17 enacted by 2007 Iowa Acts, chapter 218, section 165, is
9 18 amended to read as follows:

9 19 b. The unit is notified that the conditions of paragraph
9 20 "c" are met and ~~there is a pending action to establish or~~
~~9 21 modify support initiated by the unit, or the parent ordered to~~
9 22 provide medical support submits a written statement to the
9 23 unit that the requirements of paragraph "c" are met.

9 24 Sec. 16. Section 252E.2A, subsection 1, paragraph c,
9 25 unnumbered paragraph 1, as enacted by 2007 Iowa Acts, chapter
9 26 218, section 165, is amended to read as follows:

9 27 The parent ordered to provide medical support ~~or the parent~~
~~9 28 from whom the unit is seeking to establish or modify medical~~
~~9 29 support~~ meets at least one of the following conditions:

9 30 Sec. 17. Section 252E.2A, subsection 5, as enacted by 2007
9 31 Iowa Acts, chapter 218, section 165, is amended to read as
9 32 follows:

9 33 5. An order, decree, or judgment entered or pending on or
9 34 before ~~March 1, 2008 July 1, 2009~~, that provides for the
9 35 support of a child may be satisfied as provided in this

10 1 section.

10 2 Sec. 18. 2007 Iowa Acts, chapter 218, section 187, is
10 3 amended to read as follows:
10 4 SEC. 187. EFFECTIVE DATE. This division of this Act takes
10 5 effect ~~March 1, 2008~~ July 1, 2009.
10 6 Sec. 19. CHILD SUPPORT RECOVERY == MEDICAL SUPPORT.
10 7 Notwithstanding chapter 252C, 252F, or 252H, or any other
10 8 applicable chapter, either parent may be ordered to provide
10 9 medical support in accordance with the federal Deficit
10 10 Reduction Act of 2005, Pub. L. No. 109=171.
10 11 Sec. 20. EFFECTIVE DATE == RETROACTIVE APPLICABILITY.
10 12 This division of this Act, being deemed of immediate
10 13 importance, takes effect upon enactment and is retroactively
10 14 applicable to March 1, 2008.
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10 18 PATRICK J. MURPHY
10 19 Speaker of the House
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10 22 JOHN P. KIBBIE
10 23 President of the Senate
10 24
10 25

10 26 I hereby certify that this bill originated in the House and
10 27 is known as House File 2309, Eighty=second General Assembly.
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10 30

10 31 MARK BRANDSGARD
10 32 Chief Clerk of the House
10 33
10 34

10 33 Approved _____, 2008
10 34
10 35

11 1 _____
11 2 CHESTER J. CULVER
11 3 Governor